

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 17, 2004, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Eugene Carroll, Roger Larson, Dan Marvin, Melinda Pearson, Mary Bills-Strand, Lynn Sunderman and Tommy Taylor (Gerry Krieser absent); Marvin Krout, Ray Hill, Mike DeKalb, Brian Will, Tom Cajka, Greg Czaplewski, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Mary Bills-Strand called the meeting to order and requested a motion approving the minutes for the regular meeting held March 3, 2004. Motion for approval made by Taylor, seconded by Larson and carried 8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04008; CHANGE OF ZONE NO. 04012; ANNEXATION NO. 03008; CHANGE OF ZONE NO. 04013; SPECIAL PERMIT NO. 2045, HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION; SPECIAL PERMIT NO. 04005; SPECIAL PERMIT NO. 04010; SPECIAL PERMIT AMENDMENT NO. 04002; and COMPREHENSIVE PLAN CONFORMANCE NO. 03013.**

Item No. 1.3a, Annexation No. 03008; Item No. 1.3b, Change of Zone No. 04013, Item No. 1.3c, Special Permit No. 2045 and Item No. 1.5, Special Permit No. 04010, were removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Larson and carried 8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent.

Note: This is final action on Special Permit Amendment No. 04002, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

ANNEXATION NO. 03008;
CHANGE OF ZONE NO. 04013,
FROM AG AGRICULTURAL DISTRICT
TO R-3 RESIDENTIAL DISTRICT;
and
SPECIAL PERMIT NO. 2045,
HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION
COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT N.W. 56TH STREET AND WEST THATCHER LANE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand; Krieser absent.

Staff recommendation: Approval of the annexation and change of zone, and conditional approval of the community unit plan.

Ex Parte Communications: None.

Ray Hill of Planning staff submitted new information for the record, including a letter from David Chambers, not in opposition, but bringing attention to the fact that he owns land to the north of this area with a private landing strip. Hill also submitted revised conditions of approval, including a condition that future land owners be made aware of the landing strip that exists to the north. The revised staff recommendation also contains a long list of standard conditions found in the approval of a preliminary that were not included with the original conditions. These additional conditions have been provided to the applicant and the applicant is agreeable.

Proponents

1. **Duane Hartman of Hartland Homes**, the applicant, 6230 S. 31st Street, appeared to answer any questions and agreed with the additional conditions of approval.

Marvin inquired as to how often there are flights occurring on the private landing strip. Hartman did not know but he believes it is fairly infrequently used.

There was no testimony in opposition.

ANNEXATION NO. 03008

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 17, 2004

Carlson moved approval, seconded by Larson and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04013

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 17, 2004

Carlson moved approval, seconded by Larson and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 2045

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 17, 2004

Carlson moved to approve the revised staff recommendation of conditional approval, seconded by Larson and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04010

**FOR AUTHORITY TO SELL ALCOHOLIC
BEVERAGES FOR CONSUMPTION ON THE
PREMISES AT 7301 SO. 27TH STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand; Krieser absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing at the request of Commissioner Taylor.

Proponents

1. **Jim Haran**, 4820 Larkwood Road, the applicant, appeared to answer any questions.

Taylor acknowledged that the application meets the distance requirements from the residential areas, but he was interested in knowing more about the application.

Haran stated that he is requesting this special permit to sell alcoholic beverages at a second location for Buffalo Hot Wings in south Lincoln.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 17, 2004

Larson moved to approve the staff recommendation of conditional approval, seconded by Marvin and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04014
TEXT AMENDMENT TO TITLE 27 OF THE
LINCOLN MUNICIPAL CODE REGARDING
ON- AND OFF-SALE LIQUOR IN THE B-2 AND
B-5 ZONING DISTRICT.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand; Krieser absent.

Staff recommendation: Deferral until March 31, 2004, due to revised application.

Ex Parte Communications: None.

There was no testimony in support or in opposition.

Carlson moved to defer, with continued public hearing and administrative action scheduled for March 31, 2004, seconded by Taylor and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent.

CHANGE OF ZONE NO. 04002
FROM R-3 RESIDENTIAL TO B-2 PLANNED
NEIGHBORHOOD BUSINESS DISTRICT
and
SPECIAL PERMIT NO. 04004,
STONE BRIDGE CREEK COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT N. 14TH STREET AND ARBOR ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand; Krieser absent.

Staff recommendation: Deferral until March 31, 2004, in order to advertise an additional waiver request.

Ex Parte Communications: None.

There was no testimony in support or in opposition.

Larson moved to defer, with continued public hearing and administrative action scheduled for March 31, 2004, seconded by Marvin and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent.

SPECIAL PERMIT NO. 04007
FOR A HEALTH CARE FACILITY
ON PROPERTY GENERALLY LOCATED
AT 26TH & "P" STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand; Krieser absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Greg Czaplewski of Planning staff advised that there are three property owners: CenterPointe, Inc., the City of Lincoln and B&J Partnership. The City of Lincoln has consented to this application; however, B&J Partnership has not. Therefore, it would be improper for the Planning Commission to act on this application and Czaplewski recommended that the Planning Commission delay action for two weeks to give the applicant an opportunity to acquire ownership or consent from B&J Partnership.

Proponents

1. **Tom Huston**, 233 S. 13th, Suite 1900, appeared on behalf of the applicant, **CenterPointe, Inc.**, reminding the Commission that back in December, the Planning Commission recommended approval of a change of zone from R-6 to B-3 on the subject property. At that time the Planning Commission also recommended approval of a redevelopment agreement for this project as to conformity with the Comprehensive Plan. Subsequently, both were approved by the City Council. At that time it was recognized that CenterPointe would be coming back to the Planning Commission with a special use permit for the health care facility.

Huston submitted proposed amendments to the conditions of approval resulting from a meeting he had with Planning and Public Works yesterday. The amendments included the deletion of Condition #2.1.2 and Condition #2.1.3, which required that the site plan be “flipped”. Huston also requested that Condition #2.1.4 be amended as follows:

The parking lot and all parking stalls for this health care facility shall meet the Design Standards of the City of Lincoln and the final design of the parking lot and stalls shall be subject to the approval of Public Works prior to the issuance of a building permit.

Huston explained that the 27th Street Corridor Plan desired a more friendly orientation of the buildings and put parking to the rear of the buildings, and the Comprehensive Plan envisions the provision of some buffer area between adjacent uses.

Huston believes that the staff is in agreement with the proposed amendments. The orientation of the building will remain as presented with the application. It allows some flexibility on how the final parking lot will be configured. There is a question on relocating some existing utility poles.

Huston requested that the Planning Commission defer action for two weeks. He clarified that the redevelopment agreement entered into with the City certainly contemplated that the city would be acquiring the remaining parcel. That parcel in question, however, has not yet reached consent for the city to obtain title.

CenterPointe owns 90% of the property. The City does own Lot 1 which fronts 27th Street, and there is a rear portion of Lot 8 that is owned by B&J Partnership. Larson assumes that the city can use condemnation proceedings, if necessary, if negotiations fail. Huston concurred and this option is set forth in the redevelopment agreement.

There was no testimony in opposition.

There was a suggestion that the public hearing be kept open as opposed to closing it. Rick Peo of the City Law Department believes that the unresolved issue is a clarification that the

application is complete. The ordinance requires that all property owners consent to the submittal of the application. It is contemplated that the B&J property will be acquired by condemnation and as soon as that is complete, this body could take action without any further public hearing.

Marvin inquired as to how the city acquired the property. Ernie Castillo of the Urban Development Department advised that the property was acquired by the City about five years ago as part of the North 27th Street Redevelopment Plan. The structures were dilapidated and the then owner was willing to sell. The city acquired the property with the intent of future redevelopment.

Carroll asked staff to respond to the proposed amendments to the conditions of approval. Czaplewski stated that the staff is in agreement.

Pearson was curious why the Planning staff provided the drawing for Exhibit "A" as set forth in Condition #2.1.3, as opposed to having the applicant provide it. Did staff decide to redesign the site? Czaplewski acknowledged that the Planning staff did take their site plan and flipped it on the side to show how it would look if Condition #2.1.3 were imposed. The staff was suggesting that by flipping it over the building could be located closer to the neighbors and the parking would then be located along 27th Street. It was not intended to be a final design of their site plan. Ray Hill of Planning staff added that the staff wanted the Planning Commission to understand what the site would look like if done the way the staff had requested. Marvin Krout, the Director of Planning, indicated that he is asking the staff to provide more pictures and more information to make things more clear. Pearson believes that typically the applicant would be required to go through the reiteration of the design.

Carroll inquired whether there was any talk about the 27th Street side. Hill explained that the way it is currently shown, they would do the landscaping required in the design standards. There is no request from staff for more landscaping. The plan showed additional landscaping, but the staff did not want to tie them down to that until they come in for the building permit.

Motion: Larson moved to close public hearing, with administrative action scheduled for March 31, 2004, seconded by Taylor.

Upon further inquiry and discussion, Peo suggested that the deferral is only for completion of the acquisition of ownership interest. That will not change any of the conditions of approval and no other additional information will need to be provided.

Marvin assumed that if people were upset about this application, they would surely have shown up today.

Bills-Strand assumes there will be additional deferral if ownership or agreement is not acquired in two weeks.

Motion to close public hearing and defer action until March 31, 2004, carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent.

ITEMS NOT APPEARING ON THE AGENDA:

Members present: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand; Krieser absent.

Ray Stevens, member of the Lancaster County Board of Commissioners, appeared before the Commission. He acknowledged that when he appeared two weeks ago on Comprehensive Plan Amendment No. 03007, he had some misconceptions and extended his apologies to the Planning Commission, Planning Department, Mr. Krout and Mr. DeKalb. It was a complete misunderstanding on his part. He was confused by the fact that Comprehensive Plan Amendment No. 03007 was initially recommended by the County Board and that the Planning Department's recommendation was approval of that amendment, with some suggested alternative language to the amendment proposed by the County Board. He had erroneously assumed that what the Planning Department was suggesting as an alternative was really a substitute amendment and that was not correct. The staff had recommended the wording of the County Board, with additional alternative language for the Planning Commission to consider.

Stevens further advised that relative to that comprehensive plan amendment, the County Board has discussed it and their desire would be that the Comprehensive Plan be amended to remove that paragraph relative to impact fees and the cost of services acreage study. The County Board does not want any reference made in the Comprehensive Plan to impact fees or the cost of rural acreages. This request will be submitted in writing prior to the April 14th Commission meeting.

There being no further business, the meeting was adjourned at 1:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on March 31, 2004.